IN THE HIGH COURT OF ANDHRA PRADESH
AT HYDERABAD

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W.P.No.7623 of 1996

Dt.24-09-2007

Between:

1. M.Lalitha Devi and another

..Petitioners

and

1. Chief Security Officer, Railway Protection
   Force, Rail Nilayam, Secunderabad and others

..Respondents

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THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY
and
THE HONOURABLE SRI JUSTICE
P.SWAROOP REDDY

W.P.No.7623 of 1996

Order: (Per Hon'ble Sri Justice ***P.Swaroop Reddy***)

This writ petition is taken on file on the basis of a complaint of one Lalitha Devi alleging that her husband, who is a freelance journalist, was illegally arrested by the RPF personnel and was implicated in a case of theft of railway property. According to her, the alleged detenu wrote certain articles about railway police themselves being involved in theft of railway property.

This matter underwent adjournments for several years. In the course of which two reports were called for from the District & Sessions Judge, Warangal and the Metropolitan Sessions Judge, Hyderabad. The said reports reveal that there is some truth in the allegations made against the respondents/police. At one stage compromise was arrived at under which the respondents/police paid Rs.3 lakhs to the alleged detenue. According to the detenue, after the compromise the respondents/police again telephoned him and used objectionable language against him as such compromise failed.

Today it is reported that C.C.No.143 of 1994, in which the alleged detenue was implicated for which this Habeas Corpus petition is filed, ended in the conviction of the detenue.

In all these circumstances, we feel it desirable to direct the police concerned to register a case on the basis of the complaint filed by the detenu or any one on his behalf, investigate into the same and take appropriate

action as per Law.

Now the question would be as to the propriety of giving complaint after this length of time. To get over the situation, the original affidavit filed in this habeas corpus writ petition shall be treated as a complaint, on the same being presented on behalf of the detenu to the police concerned, on the basis of which, the police shall now register a case and investigate the same independently. In view of the long lapse of time, it is also made clear that till the final report of the investigation is filed, either it is filing of the charge sheet or referring the case otherwise, the investigating officer shall not arrest the persons named in the complaint i.e., the affidavit filed in habeas corpus writ petition (may be the respondents herein).

As the alleged detenu is no longer in custody, the habeas corpus petition becomes infructuous and it is accordingly dismissed.

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A.GOPAL REDDY, J.

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P.SWAROOP REDDY

24-09-2007

Note: The Registry is directed to return the original affidavit filed in this writ petition, by retaining a xerox copy of the same, to the learned counsel for the petitioner herein for being presented before the police concerned for registration of the case.

(bo)

Murthy